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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,500	05/18/2005	Mitsuru Eida	HEIW:047	8517
27890 7590 01/10/2008 STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER MACCHIAROLO, PETER J	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,500

Applicant(s)

EIDA ET AL.

Examiner

Peter J. Macchiarolo

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/29/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the second substrate recited in claim 6. This is unclear. The meets and bounds of the claim cannot be ascertained, therefore a reasonable search for prior art cannot be made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Eida et al (USPN 5909081: “Eida”).

Regarding claim 1, Eida discloses at least in the embodiment of figure 6 an organic electroluminescent display comprising: a supporting substrate (2); an organic electroluminescent element (1); a first passivation layer (6); a second passivation layer (10); a color conversion layer (3) for adjusting and/or converting the color of a light emitted from the organic electroluminescent element; and a transparent substrate (8) formed in sequence.

Alternatively, regarding claim 1, Eida discloses at least in the embodiment of figure 14, an organic electroluminescent display comprising: a supporting substrate (not shown, but discussed as “transparent support substrate” formed “above” the EL element); an organic electroluminescent element (1); a first passivation layer (12); a second passivation layer (12); a

color conversion layer (3) for adjusting and/or converting the color of a light emitted from the organic electroluminescent element; and a transparent substrate (11) formed in sequence.

Regarding claim 2, Eida discloses in at least the embodiment of figure 14 in the abstract that $0.001\mu\text{m} < T1+T2 < 200\mu\text{m}$.

Regarding claim 3, Eida discloses at least in the embodiment of figure 6 an intermediate layer (4) between the first passivation layer (6) and the second passivation layer (10).

Regarding claim 5, Eida discloses at least in the embodiment of figure 6 the color conversion layer (3) comprises a fluorescent medium.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al (USPN 20020125817: "Yamazaki").

Regarding claim 1, Yamazaki discloses at least in figure 3 an organic electroluminescent display comprising: a supporting substrate (301); an organic electroluminescent element (304); a first passivation layer (labeled 207 in figure 2); a second passivation layer (10); a color conversion layer (3) for adjusting and/or converting the color of a light emitted from the organic electroluminescent element; and a transparent substrate (8) formed in sequence.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (USPN 6111355: "Inoue").

Regarding claim 1, Inoue discloses at least in figure 5 an organic electroluminescent display comprising: a supporting substrate (1); an organic electroluminescent element (4); a first passivation layer (17); a second passivation layer (7); a color conversion layer (9) for adjusting and/or converting the color of a light emitted from the organic electroluminescent element; and a transparent substrate (8) formed in sequence.

Regarding claims 3 and 4, Inoue discloses at least in figure 5 an intermediate layer (inert liquid 11) between the first passivation layer (17) and the second passivation layer (7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eida.

Regarding claim 6, the structural limitations therein are the same as those recited in claims 1, 3, and 5, as rejected by Eida above.

Eida is silent to a method of fabricating the organic EL display device.

However, one skilled in the art will recognize that manufacturing Eida's device will comprise Applicant's recited steps of forming and attaching. Since only generic method steps and no specific method steps are claimed, the structure taught by Eida meets Applicant's recited method step limitations.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the OLED of Eida with the method of claim 6, since the method steps are obvious in light of the resultant structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By 
Peter Macchiarolo
Patent Examiner, Art Unit 2879
(571) 272-2375